

City Council
Atlanta, Georgia

08-O-1266

Z-08-41

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Date Filed: 6-10-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **328-336 Ormond Street, S.E., and 831-835 Grant Street, S.E.,** be changed from the R-5 (Two Family Residential) District to the NC-7-C (Neighborhood Commercial-Grant Park-Commercial), to wit:

ALL THAT TRACT or parcel of land lying in Land Lots 15 and 16, 14th District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey/map.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for Z-08-41 for 328-336 Ormond Street & 831-835 Grant Street, S.E.

APPROVAL of a substitute ordinance to rezone the said properties to NC-7, with the following conditions:

1. There will be no automobile service facilities or maintenance of internal combustion engines or Gas Stations; telecommunications substations or power generation stations; or adult businesses in the District.
2. The use of a Retail Establishment as defined by Section 16-34.005(24) is permitted, except as specified below:
 - a. The following uses are prohibited:
 - i. Adult Businesses as defined by Section 16-29.001(3),
 - ii. Automobile Service Stations.
 - iii. Medical Offices, meaning facilities for the medical care of humans,
 - iv. Veterinary clinics, meaning facilities for the medical care of domesticated animals, and;
 - v. Houses of Worship,
 - vi. Establishments for the sale of convenience goods,
 - b. Retail Use of Dry Cleaner or Photographic Processing is permissible only as a drop off and pick up location. No dry cleaning, photographic processing, or other use of related chemical processes on premises is permissible.
 - c. Retail Use of a *"Wine specialty shop"* as defined by Section 10-1 is permissible, but no other use involving the sale of alcohol for off-premises consumption is permitted.
3. Exterior Insulating Finishing System ("EIFS") cannot be used.
4. Time Provisions:
 - a. Collection of Refuse, Garbage, and/or Recyclable materials is permissible only between the hours of 7:00 AM and 6:00 PM, Monday – Saturday.
 - b. No business shall be open to the public and/or otherwise operating between the hours of 2:01 AM and 5:59 AM.
 - c. All business operations must be confined to the interior of all businesses between the hours of 11:01 PM and 5:59 AM.
 - d. Deliveries to the subject premises can only occur on Ormond Street side of the district and must occur between the hours of 7:00 AM and 6:00 PM, Monday – Saturday.
5. Vending machines are permissible only if located inside a structure housing a business without direct access to the machine from outside of the structure.
6. Portable Signs as defined by 16-28A.004 are prohibited.

7. Any machines and/or stands distributing printed materials are permissible only if located inside a structure housing a business without direct access to the machine from outside of the structure.
8. Any utility lines connected to any structure must be buried underground or attach to the structure from the rear.
9. Dumpster enclosure should be made of brick or stone and be porous in nature. The enclosure should have plantings around it.
10. The Grant and Ormond Avenue Street facing facades would be subject to full Atlanta Urban Design Commission Review and would conform to the GPNA Historic District guidelines in force at the time of any relevant construction.
11. Any street furniture or ornamentation (such as lamp posts, planters, sidewalk materials or bike racks) will conform to the Grant Park Neighborhood Design Standards. (Attached as Exhibit A)
12. Any sign age must conform to the GPNA Design Standard for Signage within the Historic District. (Attached as Exhibit B).
13. No Satellite Dishes may present.
14. Any party making a request for an administrative site plan change must submit the proposed changes to the Neighborhood Planning Unit-W (NPU-W) Zoning Contact at the same time the request is submitted to the City of Atlanta. Evidence of the provision of this request to the NPU-W Zoning Contact shall be submitted to the City of Atlanta as a part of the request for the change.
15. Any application for a Special Administrative Permit (SAP) and/or other any other administrative variation to zoning regulations, submitted to the City of Atlanta, shall be contemporaneously submitted to the NPU-W Zoning Contact by the party seeking the SAP and/or variation. Evidence of the provision of this request to the NPU-W Zoning Contact shall be submitted to the City of Atlanta as a part of the request for the change.